Docket No.: KIRCHNER Appl. No.: 10/596,729

REMARKS

This Amendment is submitted preliminary to the issuance of an Office Action in the present application and in response to the Official Action of February 7, 2008.

Record is also made of a telephonic interview between applicant's representative and the Examiner which took place on May 6, 2008. The Examiner is thanked for his help and assistance as well as for the courtesies extended to Counsel at that time. During the course of the interview, the present application was discussed on the basis of proposed changes to claim 1.

The Examiner agreed that the subject matter of claim 1, as proposed, is distinguishable over the prior art of record; however, an updated search is needed to make a final determination about patentability.

As a result of the interview, applicant now submits amendments to claim 1, which are drawn up in accordance with the agreement at the interview so as to overcome the rejection to the claims as set forth in the Examiner's Official Action of February 7, 2008. Claim 11 has now been canceled, and claim 13 has been amended to make it consistent to the changes to claim 1.

In view of the above, each of the presently pending claims in this application is considered patentably differentiated over the prior art of record and believed to be in immediate conditions for allowance. Reconsideration and allowance of the present application are thus respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant

Docket No.: KIRCHNER Appl. No.: 10/596,729

would greatly appreciate such a telephone interview.

By:

Henry M. Feiereisen Agent for Applicant Reg. No. 31,084

Respectfully submitted,

Date: May 7, 2008 350 Fifth Avenue, Suite 4714

New York, N.Y. 10118

(212) 244-5500

HMF:af